

### **REMARKS**

The Applicants have carefully reviewed the Final Office Action mailed December 22, 2009 and thanks examiner Holmes for his detailed review of the pending claims. In response to the office action, Applicants have herein amended claims 1, 7, 18 and 19 and canceled claims 5-6. Claims 1-4, 7, 18 and 19 remain pending in this application. At least for the reasons set forth below, Applicants respectfully traverse the foregoing rejections.

As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03. Applicants respectfully request reconsideration of the present application in view of the above amendments and the following remarks.

### **Claim Rejections – 35 U.S.C. § 112**

Claims 7 and 19 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the limitation "the actuator" recited in claims 7 and 19 was found to have insufficient antecedent basis. Applicants have amended claims 7 and 19 to address the Examiner's concerns. Withdrawal of the rejection is therefore respectfully requested.

**Claim Rejections – 35 U.S.C. § 102**

**A. The Law**

To anticipate a claim, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

**B. Claims 1-4 and 7**

Claims 1-4 and 7 were rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Roscoe (U.S. Patent No. 6,460,677) (hereinafter, "Roscoe"). Applicants respectfully traverse the rejection.

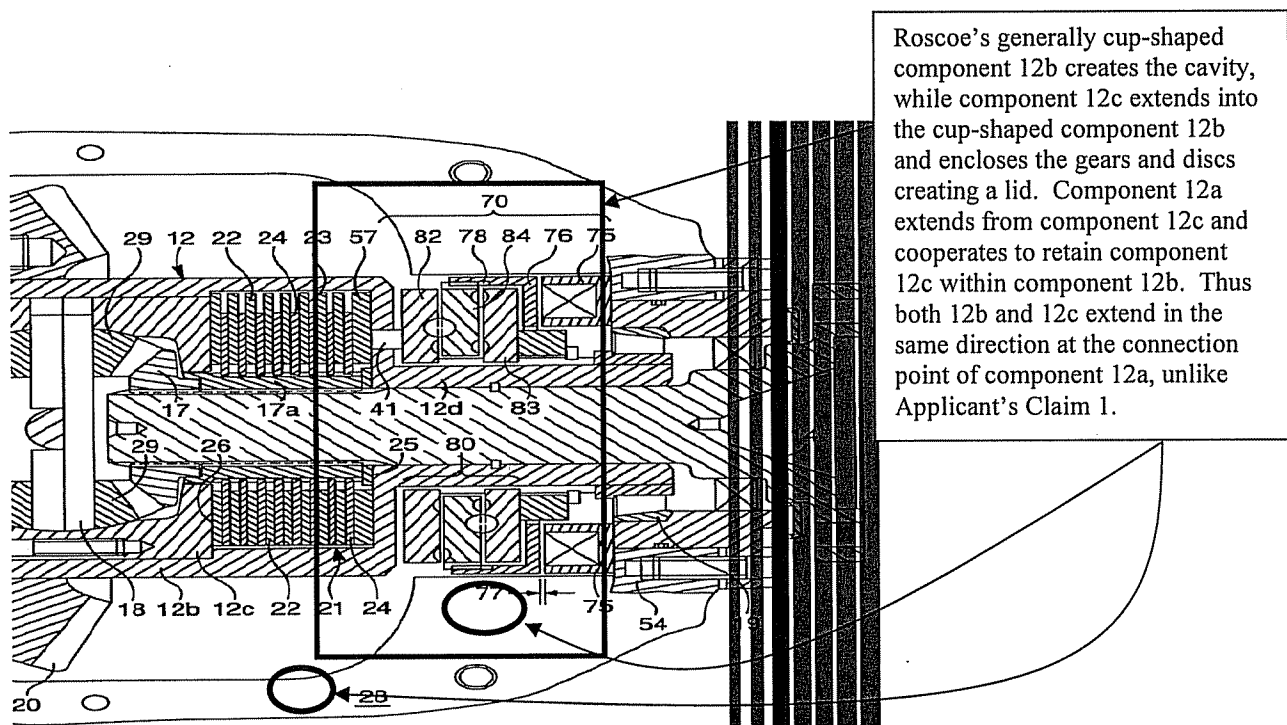
**1. Roscoe Does Not Teach A Differential Carrier Having a Dish-shaped Cover and a Dish-shaped Carrier, Each Comprising a Connecting Portion Arranged so as to Oppose One Another such that the Carrier Part and Cover are Oriented to Extend Away from Each Other**

Independent claim 1, as amended, positively recites:

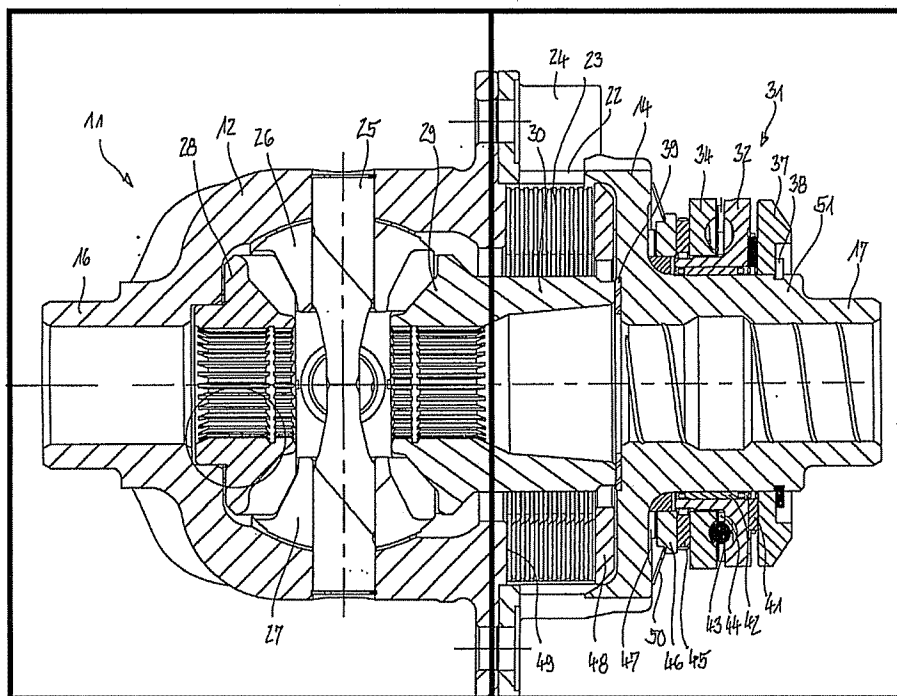
A differential drive with a rotatably arranged differential carrier in which a multi-plate coupling is arranged so as to be effective between the differential carrier and a sideshaft gear, the differential carrier comprising a dish-shaped carrier part in which there are received sideshaft gears and differential gears, and a dish-shaped cover which receives the plates of the multi-plate coupling, wherein the dish-shaped carrier part and the dish-shaped cover each comprise a connecting portion arranged so as to oppose one another to inter-connect the carrier part with the cover such that the carrier part and cover are oriented to extend away from each other at the connecting portions, and wherein the cover, on its circumference, comprises apertures and blades, wherein the blades are associated with the apertures and have a centripetal effect on a surrounding medium.

Roscoe does not teach or suggest a dish-shaped carrier part and a dish-shaped cover that “each comprise a connecting portion arranged so as to oppose one another to inter-connect the carrier part with the cover such that the carrier part and cover are oriented to extend away from each other.” Support for this amendment may be found in at least claim 18, as previously presented, as well as in FIG. 2 as originally filed.

In contrast to Claim 1, Roscoe teaches, at most, a cup-shaped component 12b and another component 12c that is secured to component 12b (by the bolts which hold the ring gear 20) so as to close the open end of the component 12b. “Component 12c fits within the component 12b being secured to the closure part 12a by further bolts.” *See, e.g., Col. 3, lines 25-33.* As may be seen in FIG. 2 of Roscoe (reproduced below for the Examiner’s convenience), the closure part 12a, which is integral with component 12c, abuts against a supporting flange of component 12b. Component 12c is inserted into component 12b such that closure part 12a contacts an outside surface of supporting flange of component 12b. Thus, component 12c is actually oriented to extend *toward* component 12b (i.e., inside the cavity formed by the component 12b).



Unlike Roscoe, as shown below in Applicant's FIG. 2, reproduced below, the connection portions 13, 15 of claim 1 are oriented in an opposing manner such that the cover part 14 extends away from the carrier part 12. This orientation is illustrated by the bold line positioned through the connection portions 13, 15.



Applicants' dish-shaped carrier part 12 and dish-shaped cover 14 extend away from each other thus, creating a cavity.

As Roscoe in now way teaches or suggests a dish-shaped carrier part and a dish-shaped cover that "each comprise a connecting portion arranged so as to oppose one another to interconnect the carrier part with the cover such that the carrier part and cover are oriented to extend away from each other" as recited in Applicant's claim 1, for at least this reason claim 1 patently defines over Roscoe.

While dependent claims 2-4 and 7 contain additional limitations that are not anticipated by the prior art, these claims are also patentable over Roscoe simply by virtue of their dependency upon claim 1. Accordingly, withdrawal of the rejection is respectfully requested.

**2. Roscoe Does Not Teach a Cover that Includes Apertures on its Circumference and Blades that are Associated with the Apertures**

Claim 1 has also been amended to include the limitations of claims 5 and 6. As conceded by the Examiner, Roscoe does not teach a cover having apertures positioned on its circumference. Nor does Roscoe teach or suggest blades that are associated with the apertures. Accordingly, claim 1, as amended, cannot be anticipated by Roscoe.

While dependent claims 2-4 and 7 contain additional limitations that are not anticipated by the prior art, these claims are also patentable over Roscoe simply by virtue of their dependency upon claim 1. Accordingly, withdrawal of the rejection is respectfully requested.

**C. Claims 1, 2 and 18**

**1. Claim 1 is Not Anticipated by Teraoka et al.**

Claims 1, 2 and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent JP 6106264OA to Teraoka et al. Applicants respectfully traverse the rejection.

Claim 1 has been amended to include the limitations of claims 5 and 6. Teraoka et al. does not teach a cover having apertures positioned on its circumference. Nor does Teraoka et al. teach or suggest blades that are associated with the apertures. Accordingly, claim 1, as amended, cannot be anticipated by Teraoka et al.

While dependent claim 2 contains additional limitations that are not anticipated by the prior art, this claim is also patentable over Teraoka et al. simply by virtue of its dependency upon claim 1. Accordingly, withdrawal of the rejection is respectfully requested.

**2. Claim 18 is Not Anticipated by Teraoka et al.**

Claim 18 has been amended to include the limitation “wherein the differential drive further comprises a sleeve arranged on an outside of the cover which sleeve axially supports an actuator for the multi-plate coupling.” This limitation is not shown in Teraoka et al.

Teraoka et al. discloses a limited slip differential having a differential casing 1, in which pinion gears 5 and side shaft gears 7 are arranged. A multi-disc clutch 11 is also disposed within the casing 1, in the space between a pressing part 9a of an adapter 9 and the side wall 1a of the differential casing 1. The function of the limited slip differential is such that the braking force of the multi-disc clutch 9 is generated by the pressing part 9a of the adapter 9 by relative movement between the two side gears 7. Thus, the limited slip differential disclosed in Teraoka et al. has a self-locking effect in response to relative rotational movement of the two side shafts.

Amended claim 18 differs from Teraoka et al. in that the differential drive comprises a dish-shaped cover that receives the plates of the multi-plate coupling, wherein the cover has a sleeve which axially supports an actuator for the multi-plate coupling. By means of the actuator, the coupling, and thus the relative rotation of the side shaft gears, can be externally controlled according to the need of the torque transmission between the two side shafts. Accordingly, as Teraoka et al. fails to teach all of the limitations of claim 18, withdrawal of the rejection is respectfully requested.

**Claim Rejections – 35 U.S.C. § 103**

Claims 5 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Roscoe in view of Szuba (U.S. Patent No. 6,945,898) (hereinafter, “Szuba”). Applicants respectfully traverse the rejection. As an initial matter, the limitations of claims 5 and 6 have been incorporated into claim 1 and these claims have been canceled. Thus, Applicant’s arguments will be directed to currently pending claim 1.

- I. The Combination of Roscoe and Szuba Does Not Teach A Differential Carrier Having a Dish-shaped Cover and a Dish-shaped Carrier, Each Comprising a Connecting Portion Arranged so as to Oppose One Another such that the Carrier Part and Cover are Oriented to Extend Away from Each Other**

The remarks presented in connection with the §102 rejection concerning Roscoe presented above are equally applicable here. Specifically, the inadequacy of Roscoe to teach every element of independent claim 1 is also fatal to the Examiner's §103 rejection. Indeed, Szuba fails to make for the inadequacies of Roscoe.

More specifically, Szuba fails to teach a both a carrier and cover portion that each comprises a connector portion, wherein the connector portions are arranged so as to oppose one another to inter-connect the carrier part with the cover such that the carrier part and cover are oriented to extend away from each other as positively claimed in claim 1. Instead, Szuba merely teaches, at most, a bowl shaped housing 12 having an open end and a lid 24 welded directly onto an interior surface of the housing to seal the housing shut. Accordingly, for at least this reason, claim 1 is patentable over the Roscoe/Szuba combination.

**II. The Roscoe/Szuba Combination Fails to Teach A Cover Having Apertures, and Blades Associated with the Apertures, Wherein the Apertures Are Disposed on the Circumference of the Cover**

Claim 1, as amended, positively recites "*the cover*, on its circumference, comprises apertures and blades, wherein the blades are associated with the apertures and have a centripetal effect on a surrounding medium." (emphasis added). Further, claim 1 also recites a "differential carrier comprising a dish-shaped carrier part in which there are received sideshaft gears and differential gears, and [the] dish-shaped cover . . . receives the plates of the multi-plate coupling."

As conceded by the Examiner, Roscoe fails to disclose apertures within a cover. However, Szuba cannot make up for the deficiencies of Roscoe. Szuba discloses an inlet scoop 100 disposed in an outer wall 102 of the differential housing 12. However, the housing 12 houses the bevel gears 32 and the pinion gears 40. Thus, the housing 12 corresponds to the *carrier* recited in claim 1. Accordingly, at most, Szuba only teaches an inlet scoop 100 formed in a carrier, not the

*cover* as expressly required by amended claim 1. Accordingly, claim 1 patentably defines over the Rosco/Szuba combination. Withdrawal of the rejection is respectfully requested.

### **III. Claims 3, 4, 7 and 19**

Claims 3, 4, 7 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Teraoka et al. in view of Roscoe. Applicants respectfully traverse the rejection. The arguments presented above in connection with the rejection of independent claim 1 and independent claim 18 are equally applicable here. For example, claim 1 has been amended to incorporate the limitations of claims 5 and 6. As claims 3-4 and 7 depend directly from claim 1, these claims are patentable at least by virtue of their dependency upon claim 1. Withdrawal of the rejection is respectfully requested.

Similarly, claim 19 is dependent upon claim 18. Thus, claim 19 is patentable at least by virtue of its dependency upon claim 18. Withdrawal of the rejection is therefore respectfully requested.

### **CONCLUSION**

In view of the above amendment and remarks, the pending application is in condition for allowance. If, however, there are any outstanding issues that can be resolved by telephone conference, the Examiner is earnestly encouraged to telephone the undersigned representative.

Any fee due with this response is identified in an accompanying transmittal. However, if any additional fees are due, please charge our Deposit Account No. 18-0013, under Order No. 66968-0020 from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. §1.136 is hereby made, the fee for which should also be charged to this Deposit Account.



Application No. 10/581,734  
Amendment dated March 22, 2010  
After Final Office Action of December 22, 2009

Docket No.: 66968-0020

Dated: March 22, 2010

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